

## REMARKS

Claims 1-48 and 50-56 are currently pending in the present application, with Claims 3, 12, 13, 17, 18, 22, 25, and 26 being amended and claims 54-56 being added. Reconsideration and reexamination of the claims are respectfully requested.

Applicants note that claims 1, 2, 8, 10, 11, 27-48, and 50-53 have been allowed.

The Examiner rejected claims 17 in 22 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claimed the subject matter which applicant regards as the intention. Applicants have amended the claims and respectfully submit that claims 17 in 22 are in compliance with 35 U.S.C. 112.

The Examiner rejected claims 13-26 under 35 U.S.C. 102(b) as being anticipated by Miyake (United States patent number 5,256,832). This rejection is respectfully traversed with respect to the amended claims.

Claims 13 and 18 of the present application has been amended to require detecting one or more rise positions in each of the identified/predetermined sections of an original waveform, wherein when multiple rise positions have been detected in the specific identify section, one of the detected rice position is extracted and selected as a dividing position corresponding to one of the presumed beat positions in the specific section of the waveform data.

Miyake, on the other hand, discloses comparing an absolute crest value and a threshold value starting from a leading position of a range determined on the basis of a beat interval, and determines, as a peak position, a point where the absolute crest value first exceeds the threshold value. Miyake does not contain any disclosure or suggestion of detecting multiple rise positions in each of the identified sections of a waveform and selecting one of the detected rise position as a dividing position, and that, when only one rise position has been detected in the section, that one rise position is extracted as a dividing position corresponding to one of the presumed beat

positions. Accordingly, Applicants respectfully submit that claims 13 through 26 are not anticipated by, or obvious in view of, Miyake.

The Examiner rejected claims 3, 4, 9, and 12 under 35 U.S.C. 103 (a) as being unpatentable over Yamada et al. (United States patent number 5, 614, 687) in view of Miyake. This rejection is respectfully traversed with respect to the amended claims.

Independent Claims 3 and 12 have been amended to recite a step of performing an amplitude conversion process on envelope for reducing the amplitude difference in the envelope, and a step of determining dividing positions of the original waveform data on the basis of the differentiated result of the envelope that was subject the amplitude conversion process. Applicants respectfully submit that neither Yamada nor Miyake contain any disclosure or suggestion of performing an amplitude conversion process on a waveform, and determining dividing positions of the waveform based on that amplitude conversion process. Accordingly, Applicants respectfully submit that claims 3, 4, 9, and 12 are not obvious in view of Yamada and Miyake.

New Claims 54-56 have been added to claim further aspects of the present invention, Applicants respectfully submit that the new claims contain patentable subject matter, and are therefore a condition for allowance.

In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Reconsideration and reexamination of the claims, as amended, are respectfully requested, and an early allowance is solicited. If the Examiner believes it would further advance the prosecution of the present application, he is respectfully requested to contact the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032030300.

Respectfully submitted,

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